

SENATE BILL 3451

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 13, relative to the transportation
and storage of certain firearms.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

(a) Notwithstanding § 39-17-1359, no private or public employer, including the state and its political subdivisions, shall prohibit an employee who possesses a valid handgun carry permit authorized by § 39-17-1351, from entering the employer's parking lot and parking in such lot with a firearm in such vehicle if:

- (1) The employee's motor vehicle is privately-owned;
- (2) The employee is parking during the employee's regular work hours;
- (3) The parking lot is open for parking by the public generally;
- (4) The firearm is stored within the trunk, glove box, or other enclosed compartment or area;
- (5) The firearm is not visible from outside the vehicle; and
- (6) The motor vehicle is locked.

(b) Subsection (a) shall not apply:

(1) To any penal institution, correctional institution, detention facility, diversion center, jail, or similar place of confinement or confinement alternative;

(2) Where transport of a firearm on the premises of the employer is prohibited by state or federal law or regulation; or

(3) Where an employer has designated an employee only parking lot that contains all of the following features:

(A) A wall, fence or some physical barrier that prevents unauthorized access by non-employee vehicles;

(B) A guard or other security personnel who checks all vehicles entering the parking area for proper identification or credentials;

(C) A policy or regulation that permits vehicle searches that is applicable to all vehicles entering the parking area and that is applied on a uniform and frequent basis; and

(D) A notice or sign is conspicuously posted at all entrances to the parking area informing that it is;

(i) An "Employee Only Parking Area";

(ii) Firearms are prohibited on the premises pursuant to § 39-17-1359; and

(iii) All vehicles in the parking area are subject to being searched.

(c)

(1) No employer, property owner, or property owner's agent shall be held liable in any criminal or civil action for damages resulting from or arising out of an occurrence involving the transportation, storage, possession, or use of a firearm, including, but not limited to, the theft of a firearm from an employee's automobile, pursuant to this section unless:

(A) The employer commits a criminal act involving the use of a firearm; or

(B) The employer knew that the person using such firearm would commit such criminal act on the employer's premises.

(2) Nothing contained in this section shall create a new duty on the part of the employer, property owner, or property owner's agent. An employee at will shall have no greater interest in employment created by this section and shall remain an employee at will.

(d) In any action relating to the enforcement of any right or obligation under this section, an employer, property owner, or property owner's agent's efforts to comply with other applicable federal, state, or local safety laws, regulations, guidelines, or ordinances shall be a complete defense to any employer, property owner, or property owner's agents liability.

(e) In any action brought against an employer, employer's agent, property owner, or property owner's agent relating to the criminal use of firearms in the workplace, the plaintiff shall be liable for all legal costs of such employer, employer's agent, property owner, or property owner's agent if such action is concluded in such employer, employer's agent, property owner, or property owner's agent's favor.

(f) This section shall not be construed to require an employer, property owner, or property owner's agent to implement any additional security measures for the protection of employees, customers, or other persons. Implementation of remedial security measures to provide protection to employees, customers, or other persons shall not be admissible in evidence to show prior negligence or breach of duty of an employer, property owner, or property owner's agent in any action against such employer, its officers or shareholders, or property owners.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.